

Appl. No. : 10/727,155
Filed : December 2, 2003

REMARKS

In response to the Restriction Requirement mailed on September 21, 2005, Applicants hereby provisionally elect to prosecute the invention set forth in Group I, Claims 1-43 and 46 without traverse. The claims of Group I, as noted by the Examiner, are drawn to a monoclonal antibody to Tumor Necrosis Factor-alpha, in a pharmaceutical carrier, classified in class 530, subclass 388.23. Claims 1-56 are pending in the instant application. Claims 44-45 and 47-51 are withdrawn by way of this amendment. Claim 39 is cancelled by way of this amendment as it is a duplicate of Claim 18. For this reason, Claim 40 is amended to be dependent from Claim 18 instead of cancelled Claim 39. Claims 52-56 are cancelled by way of this amendment. Thus, Claims 1-38 and 40-51 remain pending. No new matter has been added by way of this amendment.

Claims 1-38, 40-43 and 46 are drawn to a novel product and withdrawn Claims 44-45 and 47-51 are drawn to processes for using the claimed product. The Examiner has required restriction between product and process claims. Applicants have elected to prosecute the claims directed to the product and have withdrawn the claims directed to the process. Thus, in accordance with the provisions of M.P.E.P. § 821.04, Applicants reserve the right to rejoin process claims that depend from or otherwise include all of the limitations of any product claim found to be allowable.

In response to the requirement to elect a single disclosed species for prosecution on the merits, Applicants provisionally elect the antibody identified in the application as "299v2," which comprises the heavy chain amino acid sequence shown in SEQ ID NO: 74 and the light chain amino acid sequence shown in SEQ ID NO: 72. The elected species comprises a heavy chain complementarity determining region 1 (CDR1) having an amino acid sequence of "Ser Tyr Asp Met His" (amino acids 31-35 of SEQ ID NO: 74), a CDR2 having an amino acid sequence of "Val Ile Trp Ser Asp Gly Ser Ile Lys Tyr Tyr Ala Asp Ser Val Lys Gly" (amino acids 50-66 of SEQ ID NO: 74), and a CDR3 having an amino acid sequence of "Glu Val Glu Ser Ala Met Gly Gly Phe Tyr Tyr Asn Gly Met Asp Val" (amino acids 99-114 of SEQ ID NO: 74). The elected species comprises a light chain CDR1 having an amino acid sequence of "Arg Ala Ser Gln Gly Ile Arg Ile Asp Leu Gly" (amino acids 24-34 of SEQ ID NO: 72), a light chain CDR2 having an amino acid sequence of "Ala Ala Ser Thr Leu Gln Ser" (amino acids 50-56 of SEQ ID NO: 72),

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and a light chain CDR3 having an amino acid sequence of "Leu Gln His Lys Ser Tyr Pro Leu Thr" (amino acids 89-97 of SEQ ID NO: 72).

Claims 1-3, 5-22 and 46 read on and are generic to the elected species. Pursuant to the provisions of M.P.E.P. 809.02(a), upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Applicants reserve the right prosecute any withdrawn claims in divisional applications, if necessary, under the provisions of 35 U.S.C. § 121.

The undersigned has made a good faith effort to respond to the Restriction Requirement. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to call the undersigned attorney to resolve such issues promptly. No fees are seen as being necessary for filing this Response. However, the Commissioner is authorized to charge any fees in connection with this paper to Deposit Account No. 11-410.

Respectfully submitted,

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